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Elimination of racism and racial discrimination

Venezuela:* draft resolution

Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 55/83 of 4 December 2001, and taking note of Commission on Human Rights resolution 2001/5 of 18 April 2001,

Welcoming the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 in Durban, South Africa,[1]

Stressing that the Durban Declaration and Programme of Action provides a solid basis for combating the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance,

Stressing that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[2] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Dedicating ourselves to combating the scourge of racism, racial discrimination, xenophobia and related intolerance fully and effectively as a matter of priority, while drawing lessons from manifestations and past experiences of racism in all parts of the world with a view to avoiding their recurrence,

Joining together in a spirit of renewed political will and commitment to universal equality, justice and dignity,

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* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12.

[2] A/CONF.157/24 (Part I), chap. III.

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Convinced that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including its conclusions and recommendations,[3]

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the increase in racist violence in many parts of the world, inter alia, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, as reflected in the report of the Special Rapporteur, and at the persisting use of those platforms and charters to promote or incite racist ideologies,

Emphasizing that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups,

Recognizing both the challenges and the opportunities in combating racism, racial discrimination, xenophobia and related intolerance in an increasingly globalized world,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned that racism and racial discrimination against migrant workers continue to increase despite the efforts undertaken by the international

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[3] See A/55/304.

community to protect the human rights of migrant workers and members of their families,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993[4] concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[5] holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights[6] and in article 5 of the Convention,

Noting also that the reports that the States parties submit under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Noting with concern the existence of multiple discrimination, in particular against women,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Noting with appreciation that the Special Rapporteur will continue to pay attention to the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Underlining the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Recognizing that failure to combat racial discrimination and xenophobia, especially by public authorities and politicians, is a factor encouraging their perpetuation in society,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. *Reaffirms* the proclamation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance;[7]

2. *Calls upon* the relevant United Nations bodies, Member States and intergovernmental organizations, regional organizations and non-governmental organizations to continue carrying out, promoting and disseminating activities and action within the framework of the commemorative year in order to strengthen its impact and ensure its success, in particular the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

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[4] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[5] Resolution 2106 A (XX), annex.

[6] Resolution 217 A (III).

[7] Resolution 53/132, sect. III.

3. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, encourages its continuation, and takes note with appreciation of the report of the Special Rapporteur;[3]

4. *Requests* the Special Rapporteur to continue his exchange of views with Member States, United Nations organs and the specialized agencies, other relevant mechanisms and non-governmental organizations in order to further their effectiveness and mutual cooperation;

5. *Commends* the Committee on the Elimination of Racial Discrimination for its role in the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[5] which contributes to the fight against contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

6. *Invites* States to consider non-discriminatory measures to provide a safe and healthy environment for individuals and members of groups victims of or subject to racism, racial discrimination, xenophobia and related intolerance, in particular:

(a) To improve access to public information on health and environment issues;

(b) To ensure that relevant concerns are taken into account in the public process of decision-making on the environment;

(c) To share technology and successful practices to improve human health and environment in all areas;

(d) To take appropriate remedial measures, as possible to clean, re-use and redevelop contaminated sites and, where appropriate, relocate those affected on a voluntary basis after consultations;

6bis. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred;

7. *Welcomes* the recommendation of the Special Rapporteur on the need to hold international consultations at the governmental level with a view to combating the misuse of the Internet for racist purposes, and stresses the importance of international law enforcement cooperation in this area;

8. *Reaffirms* that acts of violence against others stemming from racism do not constitute expressions of opinion but rather offences;

8bis. *Calls upon* States to consider the following, taking fully into account existing international and regional standards on freedom of expression, while taking all necessary measures to guarantee the right to freedom of opinion and expression:

(a) To encourage Internet service providers to establish and disseminate specific voluntary codes of conduct and self-regulatory measures against the dissemination of racist messages and those that result in racial discrimination, xenophobia or any form of intolerance and discrimination; to that end, Internet

providers are encouraged to set up mediating bodies at national and international levels, involving relevant civil society institutions;

(b) To adopt and apply, to the extent possible, appropriate legislation for prosecuting those responsible for incitement to racial hatred or violence on the new information and communications technologies, including the Internet;

(c) To address the problem of dissemination of racist material through the new information and communications technologies, including the Internet, inter alia by imparting training to law enforcement authorities;

(d) To denounce and actively discourage the transmission of racist and xenophobic messages through all communications media, including new information and communications technologies, such as the Internet;

(e) To consider a prompt and coordinated international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material on new information and communications technologies, including the Internet; and in this context to strengthen international cooperation;

(f) To encourage access and use by all people of the Internet as an international and equal forum, aware that there are disparities in use of and access to the Internet;

(g) To examine ways in which the positive contribution made by the new information and communications technologies, such as the Internet, can be enhanced through replication of good practices in combating racism, racial discrimination, xenophobia and related intolerance;

(h) To encourage the reflection of the diversity of societies among the personnel of media organizations and the new information and communications technologies, such as the Internet, by promoting adequate representation of different segments within societies at all levels of their organizational structure;

9. *Declares* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

9bis. *Calls upon* States to criminalize all forms of trafficking in persons, in particular women and children and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

10. *Expresses its profound concern* about and unequivocal condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance, in particular all racist violence, including related acts of random and indiscriminate violence;

10bis. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance, and reaffirms that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations and international peace and security;

11. *Also expresses its profound concern* about and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form;

11bis. *Expresses its concern* that, beyond the fact that racism is gaining ground, contemporary forms and manifestations of racism and xenophobia are striving to regain political, moral and even legal recognition in many ways, including through the platforms of some political parties and organizations and the dissemination through modern communication technologies of ideas based on the notion of racial superiority;

11ter. *Notes* that article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination places an obligation upon States to be vigilant and to proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitement to such acts; those organizations shall be condemned and discouraged;

12. *Further expresses its profound concern* about and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against, and stereotyping of, migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies;

12bis. *Urges* States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as "racial profiling" and comprising the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity;

13. *Notes with great concern* that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and other related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase in many parts of the world, and that the number of associations established on the basis of racist and xenophobic charters is increasing, as reflected in the report of the Special Rapporteur;

13bis. *Recognizes* that members of certain groups with a distinct cultural identity face barriers arising from complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and calls upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates;

14. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

15. *Recognizes* that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world requires a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

16. *Encourages* Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

16bis. *Underscores* the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to the political, judicial and administrative institutions, as well as to guarantee that the benefits of development, science and technology contribute effectively to the improvement of the quality of life for all, without discrimination;

16ter. *Urges* States to adopt the necessary measures, as provided by national law, to ensure the right of victims to seek just and adequate reparation and satisfaction to address acts of racism, racial discrimination, xenophobia and related intolerance, and to design effective measures to prevent the repetition of such acts;

17. *Calls upon* all States to review and, where necessary, revise their immigration policies with a view to eliminating all discriminatory policies and practices against migrants that are inconsistent with relevant international human rights instruments;

18. *Recognizes* that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

19. *Calls upon* all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate;

20. *Commends* non-governmental organizations for the action that they have taken against racism and racial discrimination and for the continuous support and assistance that they have provided to the victims of racism and racial discrimination;

21. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of incidents of contemporary forms of racism and racial discrimination, xenophobia and related intolerance inter alia, against Africans and people of African descent, Arabs, Muslims and Jews;

22. *Requests* the Secretary-General to provide the Special Rapporteur with all of the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-sixth session;

23. *Requests* the Secretary-General to transmit the present resolution to all Member States, relevant organs and bodies of the United Nations and its specialized agencies and to seek their views on the measures taken in its implementation and to report thereon at the fifty-seventh session of the General Assembly;

24. *Decides* to consider progress in implementation of the present resolution at its fifty-seventh session under the same agenda item.